

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2014-215

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 14 “ANIMALS”, ARTICLE VI “RESPONSIBLE DOG OWNERSHIP LAW” BY DELETING CODE SECTION 14-137 “APPOINTMENT OF DOG CONTROL OFFICER AND ANIMAL CONTROL BOARD” IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-137 “APPOINTMENT OF DOG CONTROL OFFICER”; BY ADDING A NEW SECTION 14-137.1 “ANIMAL CONTROL BOARD”; BY DELETING SECTION 14-139 “CLASSIFICATION; NOTICE AND HEARING” IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 14-139 “NOTICE TO DANGEROUS OR VICIOUS DOG OWNERS; HEARING”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY  
BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by modifying, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 14 “Animals”, Article VI “Responsible dog ownership law” by deleting the existing Code Section 14-137 “Appointment of dog control officer and animal control board” and substituting in lieu thereof a new Code Section 14-137 “Appointment of dog control officer” which will read as follows:

**“Sec. 14-137. - Appointment of dog control officer.**

The board of commissioners shall designate a dog control officer who shall perform the duties and exercise the powers assigned to that position by Georgia's Responsible Dog Ownership Law" pursuant to O.C.G.A. § 4-8-20 et seq.”

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by modifying, CODE OF CLAYTON COUNTY, GEORGIA, Part VI “Responsible dog ownership law” by adding a new Code Section 14-137.1 “Animal control board” and subsections which will read as follows:

**“Sec. 14-137.1 - Animal control board.**

- (a) The board of commissioners shall appoint a board known as the animal control board, to hold hearings provided for in O.C.G.A. § 4-8-33. The board so designated is authorized and shall have jurisdiction to conduct hearings and determine matters provided for in O.C.G.A. § 4-8-33.
- (b) In addition to having jurisdiction to conduct the aforementioned hearings, the animal control board shall have the authority to:
  - (1) Study animal related issues, including but not limited to identifying ways to reduce animal overpopulation, encourage animal adoptions, improve public relations, and improve animal safety and comfort, and make recommendations to the board of commissioners regarding those issues;
  - (2) Review and make recommendations to the board of commissioners regarding ordinances relating to the control and welfare of animals in Clayton County;
  - (3) Submit reports to the board of commissioners at the direction of the board of commissioners;
  - (4) Facilitate meetings between and among Clayton County citizens, animal advocacy groups and organizations when reasonable and necessary as determined by the animal control board ;

- (5) Work to secure grant funding in cooperation with Clayton County Animal Control, animal advocacy groups and government agencies; and
  - (6) Perform other duties as prescribed by the board of commissioners.
- (c) The animal control board shall consist of five members who shall serve a term of not more than three years. The terms shall be staggered so that the term of office of three members shall expire together and the remaining two members' terms shall expire in a subsequent year. Members may serve consecutive terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members may be removed for cause by the board of commissioners on written charges and after a public hearing.
  - (1) The county animal control board shall elect a chairman and vice-chairman from its members who shall serve for one year or until reelected or their successors are seated. The board shall appoint a secretary who may be a county officer or an employee of the county.
  - (2) The chairman shall call meetings of the board, decide upon points of order and procedure, administer oaths, and command the appearances of witnesses. The vice-chairman shall, in the absence of the chairman, administer the office of the chairman. The board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed as a record of the board and shall be public record. The county animal control unit shall maintain the files of the animal control board and the dog control officer of the unit shall be the records custodian of all such records.
  - (3) Three members shall constitute a quorum to conduct business. The full board may divide itself into panels for the purpose of conducting hearings as required by section 14-139 of this Code.
- (d) The animal control board will conduct hearings as provided by O.C.G.A. § 4-8-23 and section 14-139 of this Code. All meetings shall be open to the public and be governed by Georgia's Open Meeting law, as enumerated in Chapter 14 of Title 50 of the Official Code of Georgia.
- (e) The animal control board shall meet as often as it deems necessary but not fewer than once per month. The board shall meet, set its meeting schedule for



the upcoming calendar year no later than December 31<sup>st</sup> of each calendar year, and notify the board of commissioners in writing of said schedule.”

Section 3. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by modifying, CODE OF CLAYTON COUNTY, GEORGIA, Part VI “Responsible dog ownership law” by deleting the existing Code Section 14-139 “Classification; notice and hearing” in its entirety and substituting in lieu thereof a new Section 14-139 “Notice to dangerous or vicious dog owners; hearings” and subsections which will read as follows:

**“Sec. 14-139. Notice to dangerous or vicious dog owners; hearing.**

- (a) In conformity with O.C.G.A § 4-8-23(c), when an dog control officer classifies a dog as a dangerous or vicious dog or reclassifies a vicious dog as a dangerous dog, the dog control officer shall notify the dog's owner. The notice shall meet the following requirements:
  - (1) The notice shall be in writing and mailed by certified mail to the owner's last known address;
  - (2) The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or vicious dog;
  - (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has the right to request a hearing on the dog control officer’s determination that the dog is a dangerous or vicious dog;
  - (4) The notice shall state that the hearing, if requested, shall be before the animal control board;
  - (5) The notice shall state that if a hearing is not requested, the dog control officer’s determination that the dog is a dangerous or vicious dog will become effective for all purposes on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and
  - (6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the board.
- (b) When the animal control board receives a request for a hearing, as provided in this section, it shall schedule such hearing within 30 days after receiving the request. The hearing board, will notify the dog owner in writing by certified

mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the hearing board shall receive such other evidence and hear such other testimony as the hearing board may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.

- (c) Within ten days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous or vicious dog, the notice shall specify the date upon which that determination is effective."

Section 4. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

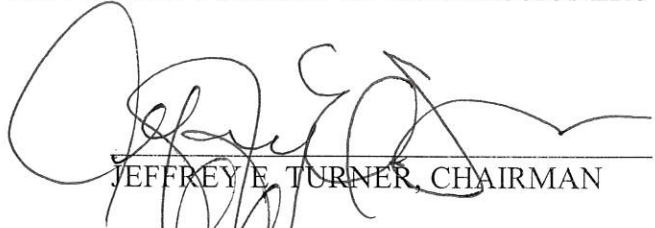
Section 5. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 6. This Ordinance shall become effective upon its approval by the Board of Commissioners.

**{SIGNATURE PAGE FOLLOWS}**

SO ORDAINED, this the 19<sup>th</sup> day of August, 2014.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
JEFFREY E. TURNER, CHAIRMAN

  
SHANA M. ROOKS, VICE CHAIRMAN

  
MICHAEL EDMONDSON, COMMISSIONER

  
SONNA GREGORY, COMMISSIONER

  
GAIL B. HAMBRICK, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK